

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<u>SEALED AFFIRMATION</u>
	:	
- v. -	:	13 Mj. 2808
	:	
JUAN RAMIREZ,	:	
	:	
Defendant.	:	
- - - - -	x	

MICHAEL GERBER hereby affirms, under penalty of perjury and pursuant to Title 28, United States Code, Section 1746, as follows:

1. I am an Assistant United States Attorney in the office of Preet Bharara, United States Attorney for the Southern District of New York, and I am the prosecutor handling the above-captioned case. By this affirmation, the Government applies for an order of the Court directing that: (1) Complaint 13 Mj. 2808 (the "Complaint") and related charging paperwork in this matter be filed under seal until further order of the Court; (2) the transcript of the defendant's presentment on the Complaint (the "Presentment") be sealed until further order of the Court; and (3) the instant case be docketed under seal until further Order of this Court, except that the Complaint and any related charging paperwork in this matter shall be available to the defendant, defense counsel, and any individual involved in the defense of this matter.

2. Based on prior statements by the defendant, as well as statements by defendant's counsel appointed for purpose of the Presentment, the defendant may be prepared to cooperate with the Government, including possible proactive cooperation.

3. Compelling law enforcement interests support the requested relief in this case. In the event that the defendant proactively cooperates, exposure of the defendant's cooperation would endanger the safety of the defendant. An order granting the requested relief would reduce the risk that the defendant's cooperation with the Government will be exposed.


4. The fact of the defendant's cooperation, and the existence and nature of the charges against him, will not be kept sealed indefinitely. Should the defendant decide not to cooperate, the need for sealing and delayed docketing will pass and the Government will seek an order to unseal and docket the documents sealed by the Court's Order. Should the defendant cooperate, if the defendant is called to testify against any person, or at the time the defendant is sentenced, the need for sealing and delayed docketing will pass and the Government will seek an order to unseal and docket the documents sealed by the Court's Order. Until then, however, the Government respectfully submits that even the docketing of the filing of the Complaint or the fact of the Presentment might well endanger the defendant if he ultimately engages in proactive

cooperation.

5. Accordingly, the Government requests that the Court enter an order directing that: (1) the filing of the Complaint and related charging paperwork in this matter be sealed; (2) the transcript of the defendant's Presentment be sealed; and (3) the instant case be docketed under seal until further Order of this Court.

6. The Government also requests that this Application and any related Order be sealed and their docketing delayed until further Order of this Court.

Dated: White Plains, New York
December 6, 2013



Michael Gerber
Assistant United States Attorney
Southern District of New York
914-993-1958